UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,294	10/24/2001	Steven Foster	60,130-1226	9265

7590 08/19/2002

Kerrie A. Laba
CARLSON, GASKEY & OLDS, P.C.
Suite 350
400 West Maple Road
Birmingham, MI 48009

EXAMINER
NGUYEN, TRINH T

ART UNIT	PAPER NUMBER
3726	

DATE MAILED: 08/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,294	Applicant(s) Foster et al.
	Examiner Trinh Nguyen	Art Unit 3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 24, 2001*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *16-35* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *16,17,31-35* is/are rejected.

7) ☒ Claim(s) *18-30* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 17-36 have been renumbered to as claims 16-35 (note that the dependency of the dependent claims are also renumbered accordingly, e.g., the renumbered claim 17 (claim 18 previously) is now depended on the renumbered claim 16 (claim 17 previously).

Specification

2. The abstract of the disclosure is objected to because the abstract should be written to express the claimed invention (in this case, a method invention). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18-30, and 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 18-30: the improper dependent form of the claims make them very confusing; thus, it is not understood what are being claimed.

In claim 33: the phrase "a sheet of colored material" is confusing and unclear (i.e., is this "a sheet of colored material" is the same as the "a layer of colored material" as claimed in claim 32?).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrlach et al. (US 5,037,591).

Rohrlach et al. disclose a method of forming vehicular panel, wherein the method comprising placing a layer/substrate of colored material (see lines 8-13 of col. 1, placing a layer/substrate of colored/painted material in a mold is old and well known in the art of making vehicular panel) in a mold (see line 6 of col. 4), placing a layer of polymeric material (see lines 19-25 of col. 4) in a mold, and integrally molding the layer of colored material and the layer of

polymeric material as one piece to form a generally flat panel. Note that Rohrlach et al.'s method further disclose placing an inner layer (see lines 10-14 of col. 4) into the mold prior to placing a layer of polymeric material in the mold.

Rohrlach et al. disclose the claimed invention except for specifically mentioning mounting the panel to a superstructure frame. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Rohrlach so as to include mounting the panel to a superstructure frame, since Rohrlach's panel is a vehicular panel which can be mounted onto a vehicular superstructure frame.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrlach et al. (US 5,037,591).

Rohrlach et al. disclose a method of forming vehicular panel, wherein the method comprising placing a layer of colored material (see lines 8-13 of col. 1, placing a layer/substrate of colored/painted material in a mold is old and well known in the art of making vehicular panel) in a mold (see line 6 of col. 4), placing a layer of polymeric material (see lines 19-25 of col. 4) in

a mold, and integrally molding the layer of colored material and the layer of polymeric material as one piece to form a generally flat panel. Note that Rohrlach et al.'s method further disclose placing an inner layer (see lines 10-14 of col. 4) into the mold prior to placing a layer of polymeric material in the mold. Also note that Rohrlach et al.'s method further disclose the layer of colored material is an outer layer of the panel, the layer of polymeric material is a central layer, and the inner, central , and outer layers are integrally molded into a one piece.

Rohrlach et al. disclose the claimed invention except for specifically mentioning (1) repeating the steps (i.e., "placing a layer of colored material...", "placing a layer of polymeric material...", and "integrally molding the layer of colored material and the layer of polymeric material...") to form multiple panels and (2) mounting the panel to a superstructure frame.

Regarding (1), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Rohrlach so as to include repeating steps to form multiple panels, since it was known in the art to repeat the method steps if one wants to form/create multiple components/panels.

Regarding (2), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Rohrlach so as to include mounting the panel to a superstructure frame, since Rohrlach's panel is a vehicular panel which can be mounted onto a vehicular superstructure frame.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrlach et al. (US 5,037,591) in view of Sjostedt et al. (US 5,403,062).

Rohrlach et al. disclose the claimed invention except for providing superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon.

Sjostedt et al. teach a vehicle having a superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon to secure the panels to the superstructure frame (see Figures 1, 7, 9, 19, 38-41, 29, 45, 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Rohrlach so as to include a superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon to secure the panels to the superstructure frame, as suggested in Sjostedt et al., in order to provide a more efficient way to interconnect a plurality of structural members together and thus optimize the overall structural integrity.

11. It is noted that a prior art of rejection has not been given to claims 18-30, since it is not clearly understood what is being claimed (see paragraph #4 above for explanation).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.

Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.

ttn

August 12, 2002

GREGORY M. VIDOVICH
PRIMARY EXAMINER
SPE AU 3726